

GENERAL ORDERS, }
No. 53. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, March 6, 1863.

I..At a General Court Martial, which convened, December 25, 1862, at the Headquarters of Colonel William M. Fenton, U. S. Volunteers, commanding 1st Brigade, by virtue of General Orders, No. 51, dated Headquarters, Burns' Division, 9th Army Corps, December 24, 1862, and of which Major M. M. DAWSON, 100th Pennsylvania Volunteers, was President, was arraigned and tried—

Captain *Walter B. Ives*, 79th New York Volunteers.

CHARGE.—“Cowardice.”

Specification 1st—“In this; that the said Captain *Walter B. Ives*, Company “A,” 79th Regiment New York Volunteers, did, on or about the 17th day of September, 1862, at 6 o'clock a. m., (and during the time the Regiment was in front, and had been ordered to advance upon the enemy,) leave his Company and Regiment without permission from proper authority, remaining absent therefrom until the morning of the 18th day of September, 1862, and after the expiration of said battle. All this at the battle of Antietam, Maryland, September 17, 1862.”

Specification 2d—“In this; that the said Captain *Walter B. Ives*, Company “A,” 79th Regiment New York Volunteers, did, on or about the 13th day of December, 1862, (the Regiment being in front of the enemy, the battle in progress, and the Regiment at the time being liable at any moment to be ordered forward,) leave his Company and Regiment without permission from proper authority, remaining absent therefrom until the morning of the 16th day of December, 1862, and after the expiration of said battle. All this at the battle of Fredericksburg, Virginia, December 16, 1862,”

To which charge and specifications the accused pleaded as follows:

To 1st *Specification*, “Not Guilty.”

To 2d *Specification*, “Not Guilty.”

To the CHARGE, “Not Guilty.”

FINDING.

The Court, after mature deliberation upon the evidence adduced, finds the accused as follows:

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Not Guilty."

SENTENCE.

And the Court does therefore sentence him, the said Captain *Walter B. Ives*, 79th New York Volunteers, "*To be dismissed the service of the United States.*"

II. In conformity with the 5th section of the act approved July 17 1862, the proceedings in the foregoing case have been forwarded for the action of the President of the United States, with the recommendation that Captain Ives be dismissed the service, notwithstanding certain irregularities in the proceedings of the Court. The recommendation is approved, and Captain *Walter B. Ives*, 79th New York, Volunteers, is, by direction of the President, dismissed the service.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.